

EXECUTIVE SECRETARIAT

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Executive Registry
83-3224

June 20, 1983

M-83-18

MEMORANDUM TO: HEADS OF DEPARTMENTS AND AGENCIES
FROM: JOSEPH R. WRIGHT, JR.
 DEPUTY DIRECTOR
SUBJECT: MULTI-AGENCY EQUAL ACCESS TO JUSTICE ACT AWARD
 PROCEDURE

Joe Wright

The Equal Access to Justice Act (28 U.S.C. 2412(d)(A), "EAJA") authorizes a court to award attorney fees and expert witness costs to a prevailing party in certain civil actions brought by or against the United States. Such awards are required if the position of the United States was not substantially justified.

Awards may be made against more than one agency. The following procedure has been established to determine the allocation of payments when there is a dispute among the agencies subject to a multi-agency EAJA award.

The Deputy Attorney General will prepare a report on disputed multi-agency award or proposed settlements to be submitted to the Director of the Office of Management and Budget and to the agencies involved. This report will contain a recommended allocation of the award payment among those agencies.

The recommendation shall be final within 15 days of the receipt by the Director, unless he determines otherwise. Notice of the allocation determination will be made to the agencies involved by the relevant Budget Division of the Office of Management and Budget.



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